IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 1812 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/08/2004 in WP NO : 20965 OF 2003 on the file of the High Court.)

Between:

1.The Regional Manager, APSRTC, Hyderabad City Region, Picket,

Secunderabad.

2. The Depot Manager, APSRTC, Midhani Bus Depot, Hyderabad.
3. The Depot Manager, APSRTC, Dilshuknagar Depot, Hyderabad.
4. The Depot Manager, APSRTC, Uppal Depot, Hyderabad.
5. The Depot Manager, APSRTC, Musheerabad Bus Depot, Hyderabad.

.... APPELLANTS

AND

1. N.B. Venkaiah, S/o B. Narayana, Hyderabad.
2. B.K. Reddy, S/o Venkat Reddy,APSRTC, Midhani Depot, Hyderabad.
3. K. Satyanarayana, S/o Sharpanjee,
APSRTC, Midhani Depot, Hyderabad.
4. Khaja Mohamooddin, S/o K. Vahimuddin
APSRTC, Midhani Depot, Hyderabad.
5. J. Anji Reddy, S/o Bhoomi Reddy,
APSRTC, Dilshuknagar Depot, Hyderabad.
6. B. Narayana, S/o Meenaiah,
APSRTC, Uppal Depot, Hyderabad.
7. S. Jafania, S/o Samuel,
APSRTC, Mushirabad Depot, Hyderabad.

…. .RESPONDENTS

Counsel for the Appellant: MR.V.T.M.PRASAD

Counsel for the Respondent No.: MR.P.VENKATESWAR RAO

The Court made the following :

JUDGMENT: (Per Sri Justice G. Bikshapathy)

1. The Writ Appeal is filed against the order of the learned single Judge in W.P.No20965 of 2003 dated 06-8-2004.

2. The matter relates to the stagnation increments to the employees in A.P.S.R.T.C.

3. The unofficial respondents claimed stagnation increments on the ground that they had completed 12 years of service and therefore they are entitled for the same in pursuance of the settlement entered between the Management and the Union.

4. The learned single Judge allowed the writ petition basing on the Judgment of a Division Bench of this Court in Writ Appeal No.1301 of 2000, dated 29-10-2002 and it is also brought to the notice of this Court that against the order of the Division Bench the matter was carried before the Supreme Court in S.L.P. and the Supreme Court dismissed the said S.L.P.

5. Now the learned Standing Counsel appearing for A.P.S.R.T.C. submits that as the clarificatory circular dated
9-11-1989 in proceedings No.P1/98(12)/87-PD was not placed either before Division Bench or the single Judge, and hence the matter has to be heard afresh.

6. We are afraid we cannot accept the contention raised by the learned Standing Counsel. The benefit claimed by the petitioners is on the basis of the settlement entered into between the Union and the Management and the Division Bench has categorically held that the completion of 12 years service is the sine qua non for releasing the stagnation increments irrespective of change of Division.

7. Under those circumstances, we do not find any infirmity in the order passed by the learned single Judge. The appeal is devoid of merits.

8. Accordingly, the Writ Appeal is dismissed. No costs.

(G.BIKSHAPATHY,J)

(P.S.NARAYANA, J)

Dated 24th November, 2004

Dvs

To

Two CD copies.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT APPEAL NO : 1812 of 2004

24th November, 2004